



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

EDUCATIONAL SUPPORT PERSONNEL ASSOCIATION OF PORTSMOUTH, NEA-NH

and

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO

and

PORTSMOUTH SCHOOL DISTRICT
TIMOTHY F. MONAHAN, In his capacity as Superintendent

CASE NO. M-0561

DECISION NO. 83-16

BOARD DECISION

At the conference held in the JFK Adult Center in Portsmouth, New Hampshire on May 5, 1983 relative to the petition for certification filed by the Educational Support Personnel Association of Portsmouth, NEA-NH for the unit of secretaries and clerks in the Portsmouth School District currently represented by the American Federation of State, County and Municipal Employees, AFL-CIO, the Board ruled as follows:

- 1. The budget submission date for the District is May 16, each year, in accordance with Laws of New Hampshire, 1947, Chapter 398.
2. Election to determine the exclusive representative for the secretaries and clerks in the Portsmouth School District will be held on May 23, 1983 at the Portsmouth High School between the hours of 2:30 p.m. and 4:00 p.m.

Detailed decision to follow.

[Handwritten signature of Robert E. Craig]

ROBERT E. CRAIG, Chairman

Signed this 6th day of May, 1983

By unanimous vote. Chairman Craig presiding, members Russell F. Hilliard and Seymour Osman present and voting. Also present, Executive Director, Evelyn C. LeBrun.



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MAY 5, 1983 CONFERENCE

MOTION MADE BY R. F. HILLIARD RE NOTIFICATION

"Mr. Chairman, based on the testimony of Mr. Cravens that he requested Mr. Anderson to handle and respond to this petition, and further based on the response which in addition to addressing the notice, also addressed other substantive issues, I think it is sufficient notice of the pendency of the petition going to the proper respondents and that any objection in that regard should be overruled.

SECOND BY S. OSMAN. VOTE: UNANIMOUS

MOTION MADE BY R. F. HILLIARD RE BUDGET SUBMISSION DATE

"The appropriate budget submission date is May 16 for a couple of reasons. RSA 273-A is a general act establishing February 1 as the budget submission date for towns, school districts and supervisory unions, but the Portsmouth City Charter is a specific legislative enactment applying to a particular city and, therefore, the specific enactment should control over the general one. Further, it would appear that even 273-A would say that the budget submission date is probably May 16 because the second sentence of RSA 273-A, III, would not apply since this budget has to be submitted through the City Council and, therefore, the first sentence would apply and May 16 would be the budget submission date." Moved that May 16 be determined as the budget submission date.

SECOND BY S. OSMAN. VOTE: UNANIMOUS

MOTION MADE BY R. F. HILLIARD RE 120-DAY RULE

"I think the Alton case cited by Mr. Anderson is sufficient authority for this Board to order an election to take place less than 120 days prior to the budget submission date where the petition was timely filed and the only reason for the

delay was the inaction of the Board. Although it is obvious that as a practical matter, a contract which has been negotiated will go into effect and remain in effect until June 30, 1984, in the form of a motion, I move the Board find that an election can go forward based on these reasons despite the fact that we are less than 120 days from the budget submission date as previously determined.

SECOND BY S. OSMAN. VOTE: UNANIMOUS